

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, March 16, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Silva, Campbell, Norby and Wilson

EXCUSED: Supervisor Smith

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson welcomed Honorable Md. Shahidul Islam, Consul General of the People's Republic of Bangladesh

Chairman Wilson presented a resolution commending Ken R. Smith on his retirement

Chairman Wilson presented a resolution proclaiming March 24, 2004 as "World TB Day"

Chairman Wilson presented a resolution proclaiming March 2004 as "Social Services Month"

Supervisor Campbell presented a resolution commending Glorious Lawrence on her retirement

Danny Hall from SOKA University presented the Board with a letter of gratitude

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II. CONSENT CALENDAR (Items 1-22)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 15 WHICH WAS**
X **PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Senior Citizens Advisory Council - Reappoint Lee Myhre, Orange, for term ending 12/31/04 and Joseph Falco, Brea, for term ending 12/31/05
2. Animal Control Advisory Board - Appoint Sharon L. Hayhoe, Santa Ana, to complete term ending 4/15/04

COMMENDATIONS/PROCLAMATIONS

Chairman Wilson:

3. Adopt resolution commending Joan Hartmann for her service as Outreach Director of the Southern California Wetlands Recovery Project
RESO: 04-056
4. Adopt resolution commending Sharon Saunders-McManis on her retirement
RESO: 04-057

Supervisor Campbell:

5. Adopt resolution commending Stanley Sprague on his retirement from Municipal Water District of Orange County
RESO: 04-058
6. Adopt resolution commending Suzanne W. Privette on her retirement
RESO: 04-059

HEALTH CARE AGENCY

7. Approve price agreement N1000005684 with National Jewish Center for immunology and respiratory medicine for specialized laboratory testing for pulmonary disease services and special diseases, 4/1/04 - 3/31/05 (\$40,000); renewable for two additional years - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Approve amendment to HOME/CHDO restrictive covenant for West Canada Apartments, San Clemente; and authorize Director or designee to execute related documents - District 5

INTEGRATED WASTE MANAGEMENT DEPARTMENT

9. Accept easement deed from Brea for landfill monitoring activities, Olinda Alpha Landfill; waive clearance of hazardous materials contamination; and make California Environmental Quality Act findings - District 3

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

10. Accept work with PALP, Inc. DBA Excel Paving Company for asphalt overlay resurfacing and slurry seal, Dana Point Harbor, project completed 9/10/03 (\$383,918.66) - District 5
11. Approve agreement D04-003 with Southern California Edison Company for Laguna Canyon road widening and realignment; and find Final EIR 556 and Addenda IP 00-13, 031 and 170 are adequate to satisfy requirements of California Environmental Quality Act - District 5
12. Approve Parcel Map 2003-105, Ladera Ranch Maintenance Corporation and Mercantile West, LLC, Ladera Ranch area; accept dedication for street purposes; accept vehicular access rights to Antonio Parkway, Crown Valley Parkway and Sienna Parkway; and approve construction agreement S1203-0146 and accept bonds guaranteeing construction of improvements - District 5
13. Approve plans and specifications and set bid opening for 4/21/04, 2:00 p.m., for remodel of HCA Public Health Laboratory - District 1
14. Approve amendment 2 to agreement No. 001 with Beaches of Southern California Marketing and Chevrolet Motors Division, General Motors Corp. for lifeguard vehicle sponsorship, extending term to 5/10/04 - Districts 2 & 5
15. Authorize negotiation of leases with William G. and Kathryn Warne for Peacock Hills Stables at Irvine Regional Park and with Southern Sierra Land and Cattle Company for Santiago Equestrian Center at Limestone-Whiting Wilderness Park - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

Sheriff-Coroner:

16. Ratify use of County resources for annual Law Enforcement Explorer Awards Banquet, 3/10/04 (\$9,850); and make related findings - All Districts
17. Approve amendment 3 to agreement PE01-102 with Orange County Transportation Authority for use of property for physical training and parking, Garden Grove, 6/1/03 - 12/31/05 (\$750 per year, one time administrative fee of \$500) - District 1
18. Approve amendment 2 to agreement with Trauma Intervention Program Incorporated for comprehensive crisis intervention services, extending term to 3/11/05 (\$30,000) - All Districts

GENERAL ADMINISTRATION

19. **Chairman Wilson** - Adopt resolution approving disbanding Food Sanitation Advisory Council; rescind Resolution 77-1263 and prepare transfer of \$3,591.94 to newly convened independent advisory council on food sanitation
RESO: 04-060

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County Executive Office:

- 20. Approve standard form agreement for exhibit space for 2004 Orange County Fair; and authorize County departments and agencies to execute related documents - All Districts
- 21. Approve agreement with Gartner, Inc. for Information Technology Strategic Planning Services, 3/16/04 - 10/31/04 (\$82,700) - All Districts
- 22. **Human Resources** - Approve amendment to Personnel and Salary Resolution for statutory at will status of County Surveyor - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 23-S40A)

HEALTH CARE AGENCY

23. Approve agreement 03-73231-000 with State Department of Mental Health for mental health services, 7/1/03 - 6/30/04 - All Districts

24135 **APPROVED AS RECOMMENDED**

X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

24. Approve agreements with Santa Ana (\$192,281), Coast Community College District/Coastline Community College (\$114,445 for northern region; \$77,835 for southern region) and Propath, Inc. (\$192,281) to provide employment and training services for dislocated workers under National Emergency Grant Project, 10/1/03 - 12/31/04 - All Districts

43125 **APPROVED AS RECOMMENDED**

X

25. Approve agreement with Secure Transportation Company, Inc. for implementation and administration of Fixed-Price Per Trip Senior Non-Emergency Medical Transportation Program, 3/1/04 - 2/29/05 (\$700,000); and direct staff to provide Board with status report six months from start of program - All Districts (Continued from 2/24/04, Item 50; 3/9/04, Item 45)

B.O. **DELETED**

JOHN WAYNE AIRPORT

26. Approve price agreement N1000005696 with TruGreen LandCare for landscape maintenance services, 4/1/04 - 3/31/07 (\$771,480); renewable for two additional years (\$257,160 per year); and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

27. Approve extension of operating agreement with Parking Concepts, Inc. for operation of Civic Center Parking Facilities, 6/1/04 - 5/31/05 - District 1

52134 **APPROVED AS RECOMMENDED**

X

28. Approve extension of operating agreement with Parking Concepts, Inc. for operation and management of Manchester Avenue Parking Facilities, 6/1/04 - 5/31/05 - District 3

32145 **APPROVED AS RECOMMENDED**

X

29. Select R.M. Fisheries, Inc. to operate Laguna Niguel Regional Park fishing concession; and authorize negotiation of lease for Board for approval – District 5

54123 **APPROVED AS RECOMMENDED**

X

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SOCIAL SERVICES AGENCY

30. Approve amendment 3 to agreement CML300A3 with Father Flanagan's Boys' Home National Resource and Training Center for behavior management program and training services for Orangewood Children's Home, 3/17/04 - 6/30/04 - All Districts

32145 **APPROVED AS RECOMMENDED**

X

31. Approve price agreement N1000005690 with Intratek Computer, Inc., for computer hardware/software services, time and materials only, 4/1/04 - 3/31/05 (\$798,500) - All Districts

32145 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

32. **District Attorney** - Adopt resolution approving submission of grant application to State Office of Criminal Justice Planning for participation in State Vertical Prosecution Program, 7/1/03 - 6/30/04 (\$416,124); authorize District Attorney or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts

42135 **APPROVED AS RECOMMENDED**

X

RESO: 04-061

Sheriff-Coroner:

33. Ratify increase of price agreement N3000001478 with Heli-Mart, Inc. for maintenance and repair of helicopter airframe components, term ending 12/27/03 (\$70,000; new total \$320,000) - All Districts

23145 **APPROVED AS RECOMMENDED**

X

34. Approve agreement 03-011-039 with State of California to provide coroner training courses for Commission on Peace Officer Standards and Training (POST), 11/1/03 - 6/30/04 (\$52,200) - All Districts

52134 **APPROVED AS RECOMMENDED**

X

35. Declare emergency and make appropriate findings pursuant to Public Contract Code Section 22050; and ratify purchase order PC 060 L0022586.04 with Tropical Air, Inc., for replacement of air conditioning unit #9 to prevent infiltration of fiberglass particles, Emergency Operations Center, Loma Ridge (\$35,000); project completed 2/17/04; and make related findings - District 3 (4/5 vote)

32145 **APPROVED AS RECOMMENDED**

X

36. Declare emergency and make appropriate findings pursuant to Public Contract Code Section 22050 and ratify purchase order PC 060 L0022604.04 with Water Factory Systems for emergency replacement of water softener system, Intake Release Center (\$110,254); set review to determine continuing need for emergency action for 3/30/04, 9:30 a.m., and every 14 days thereafter - District 1 (4/5 vote)

54123 **APPROVED AS RECOMMENDED**

X

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GENERAL ADMINISTRATION

County Executive Office:

37. Approve general fund reserves policy for the Annual Strategic Financial Plans - All Districts
(Continued from 2/24/04, Item 69)
B.O. **CONTINUED TO 3/23/04, 9:30 A.M.**
38. **Acting as the Legislative Body of Community Facilities District No. 2003-1 (Ladera Ranch)** - Adopt resolution approving financing documents and other related action for Series A Special Tax Bonds (\$60,000,000); and approve related budget adjustments - District 5 (RA #2 4/5 vote)
52134 **APPROVED AS MODIFIED TO CHANGE RESOLUTION TO REFLECT DISCOUNT**
X **TO UNDERWRITER NOT TO EXCEED 1.25% VS. 2% (PAGE 4 OF RESOLUTION)**
RESO: 04-062
39. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters
53124 **APPROVED AS RECOMMENDED**
X

Chairman Wilson:

40. Adopt resolution endorsing proposed United States Constitutional amendment to protect the rights of crime victims (108th Congress, Senate Joint Resolution 1 & United State House of Representatives Joint Resolution 48) - All Districts (Resolution continued from 2/24/04, Item 66)
B.O. **DELETED**
- S40A. Establish a subcommittee and direct CEO to develop a process, which will take a comprehensive look at the County's voting procedures and return to the Board on 4/20/03, 9:30 A.M. with a report and recommendations
54123 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (Items 41-42)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

41. Public Hearing to consider approval of proposed parking rates for Historic Courthouse metered parking lot, effective 4/1/04 (increase to \$0.05 for each 3 minutes or \$1.00 per hour); and make California Environmental Quality Act findings - District 1
B.O. **CLOSED PUBLIC HEARING**
- 54123 **APPROVED AS RECOMMENDED**
X

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42. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California, Amending Various Sections of the Subdivision Code for the Purpose of (1) Reflecting the New County Organizational Structure, (2) Streamlining the Subdivision Process, and (3) Improving Consistency with State Law"; and set second reading and adoption for 3/23/04, 9:30 a.m. - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**

X

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Cheryl Manatt v. County of Orange, AHM 0095001; AHM 0095013
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CHERYL MANATT V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

CS-2. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Barratt American Inc., et al., v. County of Orange, et al., OCSC Case No. 03CC00235

B.O. **CONTINUED TO 3/23/04, 9:30 A.M.**

CS-3. **Human Resources** - Closed Session
PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:

Title: Surveyor

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED THE APPOINTMENT OF RAYMOND MATHE AS ORANGE COUNTY SURVEYOR.**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral Re: Cost of health care and effects of deregulation of electric market

John Herbert - Oral Re: Association of Orange County Deputy Sheriffs Political Action Committee's campaign activities against Measure F, Annexation of County Islands

Darrell Nolta - Oral Re: Free trade issues and the election process

BOARD COMMENTS:

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Supervisor Campbell - Oral Re: (1) Community involvement in future annexation of County Islands; (2) County Assets, directed CEO-Real Estate to provide Board with a listing of county owned property and to identify property that might be available for sale or use as horse stables; (3) Letter from Assemblyman Spitzer regarding Megan's Law and additional information on County website.

Supervisor Norby - Oral Re: Various laws/legislation dealing with campaign finance matters

Chairman Wilson - Oral Re: Introduced Chapman University Intern Program participants

ADJOURNED: 11:30 A.M.

35124 **Adjourned in memory of Dr. Edward F. Cunningham**
X

52134 **Adjourned in memory of Ken Waters**
X

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

Right Margin Notes

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board